Senate Bill 208
By: Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Davenport of the 44th, Henson of the 41st and Butler of the 55th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To incorporate the City of Stonecrest in DeKalb County; to provide for a charter for the City of Stonecrest; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for codes; to provide for a charter commission; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a city attorney, a city clerk, a tax collector, a city accountant, and other personnel; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the creation of a community improvement district; to provide for homestead exemptions; to provide for bonds for officials; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from DeKalb County to the City of Stonecrest; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 208
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ARTICLE I
CREATION, INCORPORATION, POWERS

SECTION 1.01.
Incorporation.

This Act shall constitute the charter of the City of Stonecrest, Georgia. The City of Stonecrest, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the "City of Stonecrest" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

SECTION 1.02.
Corporate boundaries.

The boundaries of the City of Stonecrest shall be those set forth and described in Appendix A of this charter, and such Appendix A is incorporated into and made a part of this charter. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

SECTION 1.03.
Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
(2) Appropriations and expenditures. To make appropriations for the support of the
government of the city; to authorize the expenditure of money for any purposes
authorized by this charter and for any purpose for which a municipality is authorized by
the laws of the State of Georgia; and to provide for the payment of expenses of the city;
(3) Building regulation. To regulate and to license the erection and construction of
buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
and heating and air conditioning codes; and to regulate all housing and building trades
to the extent permitted by general law;
(4) Business regulation and taxation. To levy and to provide for the collection of
regulatory fees, franchise fees, and taxes on privileges, occupations, trades, and
professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as
are or may hereafter be enacted; to permit and regulate the same; to provide for the
manner and method of payment of such regulatory fees, franchise fees, and taxes; and to
revoke such permits after due process for failure to pay any city taxes or fees;
(5)(A) Condemnation. To condemn property inside the corporate limits of the city for
present or future use and for any public purpose deemed necessary by the city council
utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable
laws as are or may hereafter be enacted.
(B) The municipality shall have the right to condemn and cause to be remediated or
removed any building, structure, or existing condition within its corporate limits that
is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary
condition. Nothing in this subparagraph shall be construed to relieve the municipality
of any duty to give owners or interested persons reasonable notice and opportunity to
remedy the situation. Nothing in this subparagraph shall be construed as relieving the
municipality of liability to any interested person for damages to person or property
taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be
construed as authorizing the doing of any act or thing contrary to the Constitution of
this state and the policy of the general laws of this state. The municipality shall have
authority to adopt reasonable ordinances and resolutions for the purpose of carrying out
this subparagraph;
(6) Contracts. To enter into contracts and agreements with other governmental entities
and with private persons, firms, and corporations;
(7) Emergencies. To establish procedures for determining and proclaiming that an
emergency situation exists within or without the city, and to make and carry out all
reasonable provisions deemed necessary to deal with or meet such an emergency for the
protection, safety, health, or well-being of the citizens of the city;
(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; may restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; may control filling, grading, dredging, and other development which may increase flood damage or erosion; may prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; may limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and may protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;

(9) Ethics. To adopt ethics ordinances and regulations governing such things including, but not limited to, the conduct of municipal elected officials, appointed officials, contractors, vendors, and employees; establishing procedures for ethics complaints; and setting forth penalties for violations of such rules and procedures;

(10) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and fire detection; and to prescribe penalties and punishment for violations thereof;

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;
(12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Homestead Exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by this charter and Act of the General Assembly;

(16) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(17) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(18) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices not specified in this charter, commissions, authorities, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(19) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(21) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities including, but not limited to, a system of waterworks, sewers and
163 drains, sewage disposal, storm-water management, gasworks, electricity generating
164 plants, cable television, internet and other telecommunications, transportation facilities,
165 public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
166 assessments, regulations, and penalties; and to provide for the withdrawal of service for
167 refusal or failure to pay the same;
168 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or
169 private property;
170 (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
171 the authority of this charter and the laws of the State of Georgia;
172 (25) Planning and zoning. To provide comprehensive city planning for city land use,
173 signage and outside advertising, and development by zoning; and to provide subdivision
174 regulations and the like as the city council deems necessary and reasonable to ensure a
175 safe, healthy, and aesthetically pleasing community, provided that the city council shall
176 not have the power to require special land use permits, special exceptions, or special
177 administrative permits for the industrial use of properties within an industrial use zoning
178 district;
179 (26) Police and fire protection. To exercise the power of arrest through duly appointed
180 police officers, and to establish, operate, or contract for a police and a fire-fighting
181 agency;
182 (27) Public hazards; removal. To provide for the destruction and removal of any
183 building or other structure that is or may become dangerous or detrimental to the public;
184 (28) Public improvements. To provide for the acquisition, construction, building,
185 operation, maintenance, or abolition of public ways, parks and playgrounds, recreational
186 facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and
187 charitable, cultural, educational, recreational, conservation, sport, detential, penal, and
188 medical institutions, agencies, and facilities; to provide any other public improvements
189 inside the corporate limits of the city and to regulate the use of public improvements; and
190 for such purposes, property may be acquired by condemnation under Title 22 of the
191 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
192 (29) Public peace. To provide for the prevention and punishment of loitering, disorderly
193 conduct, drunkenness, riots, and public disturbances;
194 (30) Public transportation. To organize and operate such public transportation systems
195 as are deemed beneficial;
196 (31) Public utilities and services. To grant franchises or make contracts for, or impose
197 taxes on, public utilities, cable companies, and public service companies; and to prescribe
198 the rates, fares, regulations, and standards and conditions of service applicable to the
service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(32) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(33) Employee benefits. To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city as are determined by the city council;

(34) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 unless either (i) the millage rate is increased above such amount by resolution of the city council without voter approval through its exercise of home rule powers, or (ii) a higher limit is recommended by resolution of the city council and approved by a majority of the qualified electors of the City of Stonecrest voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum; and

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;
(38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the parking of such vehicles;

(40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the Stonecrest Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of Stonecrest to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.
SECTION 1.05.

Tourism, conventions, and trade shows.

The Stonecrest Convention and Visitors Bureau is hereby created.

SECTION 1.06.

Stonecrest/Lithonia Industrial Park Community Improvement District.

(a) The purpose of this section is to provide for the creation of a community improvement district within the City of Stonecrest subject to the conditions prescribed in Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

(1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;

(2) Parks and recreational areas and facilities;

(3) Stormwater and sewage collection and disposal systems;

(4) Development, storage, treatment, purification, and distribution of water;

(5) Public transportation;

(6) Terminal and dock facilities and parking facilities; and

(7) Such other services and facilities as may be provided for by general law.

(b) Definitions. As used in this section, the term:

(1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops and fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.

(2) "Board" means the governing body created for the governance of the community improvement district authorized by this section.

(3) "Caucus of electors" means the meeting of electors as provided in this section at which the elected board members of the district are elected or at which the governmental services and facilities to be provided by the district are determined. A quorum at such caucus shall consist of no less than 25 percent of electors and no less than 25 percent of equity electors present in person or proxy, and a majority of those present and voting shall be necessary to take any action. Notice of such meeting shall be given to such electors and equity electors by publishing notice thereof in the legal organ of the City of Stonecrest at least once each week for four weeks prior to such meeting.
"Cost of the project" or "cost" of any project means and includes:

(A) All costs of acquisition by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;

(B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment including all transportation equipment and rolling stock, furniture, and other property used in or in connection with or necessary for any project;

(C) All financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;

(D) All costs of engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;

(E) All expenses for inspection of any project;

(F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuances of any bonds, notes, or other obligations for any project;

(G) All expenses of or incidental to determining the feasibility or practicability of any project;

(H) All costs of plans and specifications for any project;

(I) All costs of title insurance and examinations of title with respect to any project;

(J) Repayment of any loans made for the advance payment of any part of the foregoing costs, including interest thereon and any other expenses of such loans;

(K) Administrative expenses of the board and such other expenses as may be necessary for or incidental to any project or the financing thereof or the placing of any project in operation; and

(L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be
authorized by any bond resolution, trust agreement, indenture of trust, or similar
instrument or agreement pursuant to the provisions of which the issuance of any bonds,
notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part
of the cost of the project and may be paid or reimbursed as such out of the proceeds of
bonds, notes, or other obligations issued by the district.

(5) "District" means the geographical area designated as such by the resolution of the city
council consenting to the creation of the community improvement district or as thereafter
modified by any subsequent resolution of the city council within which the district is or
is to be located, or a body corporate and politic being a community improvement district
created and activated pursuant hereto, as the context requires or permits.

(6) "Electors" means the owners of real property used nonresidentially within the district
which is subject to taxes, fees, and assessments levied by the board, as they appear on the
most recent ad valorem real property tax return records of DeKalb County, or one officer
or director of a corporate elector, one trustee of a trust which is an elector, one partner of
a partnership elector, or one designated representative of an elector whose designation
is made in writing. An owner of property that is subject to taxes, fees, or assessments
levied by the board shall have one vote for an election based on numerical majority. An
owner of multiple parcels has one vote, not one vote per parcel, for an election based on
numerical majority. Multiple owners of one parcel have one vote for an election based on
numerical majority which must be cast by one of their number who is designated in
writing.

(7) "Equitably apportioned among the properties subject to such taxes, fees, and
assessments according to the need for governmental services and facilities created by the
degree of density of development of each such property", with reference to taxes, fees,
and assessments levied by the board, means that the burden of the taxes, fees, and
assessments shall be apportioned among the properties subject thereto based upon the
values established in the most recent ad valorem tax reassessment of such properties
certified by the chairperson of the DeKalb County Board of Tax Assessors, or with
respect to fees and assessments may be apportioned among the properties subject thereto
in direct or approximate proportion to the receipt of services or benefits derived from the
improvements or other activities for which the taxes, fees, or assessments are to be
expended, or with respect to fees and assessments may be apportioned in any other
manner or combination of manners deemed equitable by the board, including, but not
limited to, the recognition of differential benefits which may reasonably be expected to
accrue to new land development in contrast to lands and improvements already in
existence at the time of creation of the community improvement district.
(8) "Equity electors" means electors who cast votes equal to each $1,000.00 in value of all owned real property within the district which is then subject to taxes, fees, and assessments levied by the board. The value of real property shall be the assessed value. In the event the owner shall have multiple owners or be a corporation, trust, partnership, limited liability company, or any other entity, one person shall be designated as elector and such designation shall be made in writing.

(9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation. It does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.

(10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement; the creation, provision, enhancement, or supplementing of public services such as fire, police, and other services, provided that same do not conflict with or duplicate existing public services; and all for the essential public purposes set forth in subsection (a) of this section.

(11) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of DeKalb County within the district. Ownership as shown by the most recent ad valorem real property tax records of DeKalb County shall be prima-facie proof of ownership. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.

(12) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use or vacant land zoned or approved for any of the aforementioned uses which do not include residential.

(13) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.
"Taxpayer" means an entity or person paying ad valorem taxes on real property whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.

(c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created an administrative body being one community improvement district to be located wholly within the City of Stonecrest, to be known as the Stonecrest/Lithonia Industrial Park Community Improvement District, provided that the creation of the community improvement district shall be conditioned upon:

(1) The adoption of a resolution consenting to the creation of the community improvement district by the City of Stonecrest city council; and

(2) The written consent to the creation of the community improvement district by:

(A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and

(B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district. For this purpose, value shall be determined by the most recent approved DeKalb County ad valorem tax digest. The written consent provided for in this paragraph shall be submitted to the tax commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district.

Neither the community improvement district nor the administrative body created pursuant to this section shall transact any business or exercise any powers under this section until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of the district activated under this section, and filed with the Department of Community Affairs.

(d) Administration, appointment, and election of the members of the administrative body.

(1) The district created pursuant to this section shall be administered by a board composed of seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the city council. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and
5 shall be cast by equity electors. The initial term of office for the members representing
Posts 1 and 4 shall be one year. The initial term of office for the members representing
Posts 2 and 5 shall be two years, and the initial term of office of the members
representing Post 3 shall be three years. Thereafter, all terms of office for the elected
board members shall be for three years. The appointed board members shall serve at the
pleasure of the city council.

(2) The initial board members to be elected as provided in subsection (a) of this section
shall be elected in a caucus of electors which shall be held within 90 days after the
adoption of the resolutions and obtaining the written consents herein provided at such
time and place within the district as the city council shall designate after notice thereof
shall have been given to said electors by publishing same in the legal organ of the City
of Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days
following the last day for filing ad valorem real property tax returns in DeKalb County,
a caucus of electors at such time and place within the district as the board shall designate
in such notice for the purpose of electing board members to those board member
positions whose terms expire or are vacant. If a vacancy occurs in an elected position on
the board the board shall, within 60 days thereof, call a special election to fill the same
to be held within 60 days of the call unless such vacancy occurs within 180 days of the
next regularly scheduled election, in which case a special election may, but need not, be
called.

(3) Board members shall be subject to recall as any other elected public official by the
electors defined by this section.

(4) Board members shall receive no compensation for their services, but shall be
reimbursed for reasonable expenses actually incurred in the performance of their duties.
They shall elect one of their number as chairperson and another of their number as vice
chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer,
either of whom may, but need not, be a member of the board or an elector.

(5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply
to the election of district board members. The district board may adopt such bylaws not
inconsistent herewith to provide for any matter concerning such elections.

(e) Taxes, fees, and assessments.

(1) The board may levy taxes, fees, and assessments within the district only on real
property used nonresidentially, specifically excluding all property exempt from ad
valorem taxation under the Constitution or laws of the State of Georgia; all property used
for residential, agricultural, or forestry purposes; and all tangible personal property and
intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent
of the aggregate assessed value of all such real property. The taxes, fees, and assessments
The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes shall bear the same interest and penalties as DeKalb County taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than $25,000.00 at any one calendar year, shall be transmitted by DeKalb County to the board and shall be expended by the board only for the purposes authorized by this section.

(2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing DeKalb County so it may include the levy on its regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb County shall be segregated, and neither the City of Stonecrest nor the DeKalb County Tax Commissioner shall expend such funds for any purpose not authorized by the board except as authorized in subsection (a) of this section.

(3) If, but for this provision, a parcel of real property is removed from the district or otherwise would become not subject to taxation, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.

(4) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in subsection (a) of this section may, upon application to the city council, receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the City of Stonecrest against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia Development Impact Fee Act." Application for such development impact fee credit may be granted by legislative action of the city council in its discretion.
(f) Boundaries of the district.

(1) The boundaries of the district shall be as designated as such by the city council as set forth in the resolution required in subsection (c) of this section, or as may thereafter be added as provided in this section.

(2) The boundaries of the district may be increased after the initial creation of the district pursuant to the following:

(A) Written consent of a majority of the owners of real property within the area sought to be annexed into the district and which will be subject to taxes, fees, and assessments levied by the board of the district;

(B) Written consent of owners of real property within the area sought to be annexed into the district which constitutes at least 75 percent by value of the property which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;

(C) The adoption of a resolution consenting to the annexation into the district by the board of the district; and

(D) The adoption of a resolution consenting to the annexation into the district by the city council.

(g) Debt. Except as otherwise provided in this section, each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law, prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, which debt shall be backed by the full faith and credit and taxing power of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State of Georgia other than the district.

(h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant to this section shall be provided for in a cooperation agreement executed jointly by the board and by the City of Stonecrest. The provisions of this section shall in no way limit the authority of the City of Stonecrest to provide services or facilities within the district; and the City of Stonecrest shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.
(i) Powers.

(1) The district and its board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, without limiting the generality of the foregoing, the power:

(A) To bring and defend actions;

(B) To adopt and amend a corporate seal;

(C) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects contracts with respect to the use of projects, and agreements with other jurisdictions of community improvement districts regarding multi-jurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;

(D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;

(E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any project from the proceeds of the district or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;

(F) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;

(G) To issue bonds, notes, or other obligations of the district and use the proceeds for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;

(H) To make application directly or indirectly to any federal or county government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept
and use the same upon such terms and conditions as are prescribed by such federal, state, or county government or agency or other source;

(I) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;

(J) To contract for any period, not exceeding 50 years, with the State of Georgia, any institution or instrumentality of the State of Georgia, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such institution or instrumentality of this state or any municipal corporation, county, or political subdivision of this state, or for the use by any institution or instrumentality of this state, any municipal corporation, county, or political subdivision of this state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;

(K) To receive and use the proceeds of any tax levied by the county to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant hereto;

(L) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;

(M) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the district and the public purposes thereof;

(N) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

(O) To encourage and promote the improvement and development of the district and to make, contracts for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with DeKalb County and the City of Stonecrest;

(P) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;

(Q) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district;
(R) To invest its funds, whether derived from the issuance of bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;
(S) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing DeKalb County or municipal services; and
(T) To do all things necessary or convenient to carry out the powers conferred by this section.

(2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are cumulative of and in addition to those powers enumerated in this subsection and elsewhere in this section; and no such power limits or restricts any other power of the board.

(3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are conferred for an essential governmental function for a public purpose, and the revenues and debt of any district shall not be subject to taxation.

(j) Bonds-Generally.

(1) Notes or other obligations issued by a district other than general obligation bonds shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith and credit and taxing power of the district shall be pledged.

(2) All bonds, notes, and other obligations of any district shall be authorized by resolution of the board, adopted by a majority vote of the board members at a regular or special meeting.

(3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.

(4) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this section. The refunding bonds may be exchanged.
for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may
be sold and the proceeds applied to the purchase or redemption of the bonds to be
refunded.

(5) There shall be no limitation upon the interest rates or any maximum interest rate or
rates on any bonds, notes, or other obligations of any district, and the usury laws of this
state shall not apply to bonds, notes, or other obligations of any district.

(6) Bonds issued by a district may be in such form, either coupon or fully registered, or
both coupon and fully registered, and may be subject to such exchangeability and
transferability provisions as the bond resolution authorizing the issuance of such bonds
or any indenture or trust agreement may provide.

(7) All bonds issued by a district pursuant to this section shall be issued and validated
under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the
"Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of
DeKalb County may be made on the certificate of validation of such bonds by facsimile
or by manual execution, stating the date on which such bonds were validated; and such
entry shall be original evidence of the judgment of validation and shall be received as
original evidence in any court in this state.

(8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the
maturities of such bonds, the notice to the district attorney or the Attorney General; the
notice to the public of the time, place, and date of the validation hearing; and the petition
and complaint for validation may state that the bonds when issued will bear interest at a
rate not exceeding a maximum per annum rate of interest which may be fixed or may
fluctuate or otherwise change from time to time so specified and that the principal amount
will not exceed a specified amount and the final maturity date will not be later a date
specified in such notices and petition and complaint or may state that, in the event the
bonds are to bear different rates of interest for different maturity dates, none of such rates
will exceed the maximum rate which may be fixed or may fluctuate or otherwise change
from time to time so specified; provided, however, that nothing in this subsection shall
be construed as prohibiting or restricting the right of a board to sell such bonds at a
discount, even if in doing so the effective interest cost resulting would exceed the
maximum per annum interest rate specified in such notices and in the petition and
complaint.

(9) The terms "cost of the project" and "cost of any project" shall have the meaning
prescribed in this section whenever those terms are referred to in bond resolutions of a
board; in bonds, notes, or other obligations of the district; or in notices or proceedings to
validate such bonds, notes, or other obligations of a district.
(k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes, and other obligations; subsequent issues of obligations.

(1) Subject to the limitations and procedures provided by this section and by subsection (j) of this section, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by the board.

(2) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this section, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this section.

(3) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(4) In the event that the district shall be terminated in accordance with this section, the board shall serve until December 31 of the year in which termination shall be approved for the purpose of concluding any ongoing matters and projects, but, if such cannot be concluded by December 31, then the city council shall assume the duties of the administrative board and shall be expressly authorized to exercise the authority of the administrative board. In the alternative, the city council may, by resolution, assume all rights and obligations of the district, either bonds or otherwise, and the district shall cease to exist upon the adoption of such resolution.

(l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication except those required in this section shall be necessary to the performance of any action authorized hereby, nor shall any such action be subject to referendum.

(m) Dissolution.

(1) Any district activated under the provisions of this section may be dissolved. The conditions for such dissolution shall be:
(A) The adoption of a resolution approving of the dissolution of the community improvement district by the city council; and

(B) The written consent to the dissolution of the community improvement district by:

(i) Two-thirds of the owners of real property within the district which are subject to taxes, fees, and assessments levied by the board of the district; and

(ii) The owners of real property constituting at least 75 percent by value of all real property within the district which are subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

The written consent provided for in this subparagraph shall be submitted to the DeKalb County Tax Commissioner, who shall certify whether divisions (i) and (ii) of this subparagraph have been satisfied with respect to each proposed district dissolution.

(2) In the event that successful action is taken pursuant to this subsection to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.

(3) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in subsection (a) of this section, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to DeKalb County.

(4) When a dissolution becomes effective, the City of Stonecrest shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

ARTICLE II
GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

SECTION 2.01.
City council creation; number; election.

(a) The legislative authority of the government of the City of Stonecrest, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member.

(b)(1) The city council of Stonecrest, Georgia, shall consist of five members plus the mayor.
(2) There shall be five council districts, designated Council Districts 1 through 5, as
described in Appendix B of this Act, which is attached to and made a part of this charter.

(3) One councilmember shall be elected from each of the five council districts and shall
hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer
as a candidate for councilmember for such posts shall designate the council post for
which he or she is offering. Councilmembers for such posts shall be elected by a
majority vote of the qualified electors of the respective council districts voting at the
elections of the city. In the event that no candidate for a council post obtains a majority
vote of the qualified electors of the council district voting in the election, a run-off
election shall be held. The candidates receiving the two highest numbers of votes in the
election for such council post shall be included in the run-off election. The person
receiving the highest number of votes of the qualified electors of the council district
voting at such run-off election shall be elected. Each candidate for election to the city
council shall reside in the district he or she seeks to represent.

(c) With the exception of the initial terms set forth in subsection (d) of this section,
councilmembers shall be elected to terms of four years and until their successors are elected
and qualified on a staggered basis in alternate election cycles.

(d) In order to assure staggered elections of the councilmembers, in the first election of the
city council, the terms for the candidates elected for Council District Posts 1, 3, and 5 shall
expire upon the administration of the oath of office to their successors elected in the regular
elections held in November, 2017. The terms for the candidates elected for Council District
Posts 2 and 4 shall expire upon the administration of the oath of office to their successors
elected in the regular elections held in November, 2019. Thereafter, a successor to each
councilmember shall be elected at the November election immediately preceding the end of
such councilmember's term of office and the term of each councilmember shall expire upon
the administration of the oath of office to his or her successor.

(e) With the exception of the initial term of office, the mayor of the City of Stonecrest, with
the powers and duties specified herein, shall be elected to a term of four years and until his
or her successor is elected and qualified. The mayor shall be elected by a majority vote of
the qualified electors of the city at large voting at the elections of the city. In the event that
no candidate for mayor obtains a majority vote of the qualified electors of the city at large
voting at the elections of the city, then a run-off election shall be held. The candidates
receiving the two highest numbers of votes in the election shall be included in the run-off
election and the candidate receiving the highest number of votes in the runoff of the qualified
electors of the city at large voting at such runoff shall be elected. The term of the first
elected mayor shall expire upon the administration of the oath of office to his or her
successor elected in the regular election held in November, 2019, as provided in
subsection (b) of Section 2.02 of this charter. Thereafter, the successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

SECTION 2.02.

Mayor and councilmembers; terms and qualifications for office.

(a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Stonecrest for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.

(b) An election shall be held in conjunction with the 2016 November general election to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2021.

(c) The number of successive terms an individual may hold a position as mayor or as a councilmember shall be unlimited.

SECTION 2.03.

Vacancy; filling of vacancies; suspensions.

(a) Elected officials of the city shall not hold other elected or public offices. The elected offices of the city's government shall become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:

(1) Violating the provisions of this charter;
(2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or
(3) Failing to attend one-third of the regular meetings of the council in a three-month period without being excused by the council.

(b) The office of mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.

(c) The office of a councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember.

SECTION 2.04.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

SECTION 2.05.

Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city pursuant to Section 2.01 of this charter at the elections of the city shall be elected to a term of office.
SECTION 2.06.

Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate including, but not limited to, the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

SECTION 2.07.

Compensation and expenses.

The annual salary of the mayor shall be $20,000.00 and the annual salary for each councilmember shall be $15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of $5,000.00 and each councilmember shall be provided an annual expense allowance of $3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

SECTION 2.08.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.09.

Meetings, oath of office, and mayor pro tempore.

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers.
collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Stonecrest for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold the position of mayor pro tempore shall be unlimited.

(c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by a majority of the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described herein and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(e) Special meetings of the city council may be held on the call of either the mayor and one councilmember or three councilmembers. Notice of such special meetings shall be delivered to all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice of any special meeting may be waived by the mayor, a councilmember, or the city manager in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at
the special meeting. Only the business stated in the notice may be transacted at the special meeting.

SECTION 2.10.

Quorum; voting.

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure shall receive at least three affirmative votes and shall receive the affirmative votes of a majority of those voting. Neither any councilmember nor the mayor shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes. The mayor and each councilmember when present at a meeting shall have one vote on all matters brought before the council.

(b) The following types of actions require an ordinance in order to have the force of law:

1. Adopt or amend an administrative code or establish, alter, or abolish a department, office not specified in this charter, or agency;
2. Provide for fine or other penalty;
3. Levy taxes;
4. Grant, renew, or extend a franchise;
5. Regulate a rate for a public utility;
6. Authorize the borrowing of money;
7. Convey, lease, or encumber city land;
8. Regulate land use and development; and
9. Amend or repeal an ordinance already adopted.

(c) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or hearings if the city council passes the ordinance by three-fourths' vote; provided, however, that the city council cannot in an emergency meeting:

1. Levy taxes;
2. Grant, renew, or extend a franchise;
3. Regulate a rate for a public utility; or
SECTION 2.11.

General power and authority of the city council.

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Stonecrest as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.12.

Administrative and service departments.

(a) Except for the office of city manager and the elected positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

SECTION 2.13.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:
(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged. "Valuable" shall be an amount determined by the city council; provided, however, that the amount shall not exceed $100.00;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she, or members of his or her immediate family, has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. "Private financial interest" shall include interests of immediate family. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the city council shall hold any other elective governmental office or be employed by any city or county government during the term for which elected.

SECTION 2.14.

Boards, commissions, and authorities.

(a) All members of boards, commissions, and authorities of the city shall be residents of the city and appointed by the mayor subject to confirmation by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law.

(b) No member of any board, commission, or authority of the city shall hold any elective office in the city or DeKalb County. However, up to two members of the city council, including the mayor, may be appointed by the Mayor to serve as ex officio members of such boards, commissions, or authorities, without a vote for a term expiring December 31 following the date of appointment.

(c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this charter or any applicable law of the State of Georgia.

(d) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor or a judicial officer authorized to administer oaths.

(e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the councilmembers in accordance with state laws.

(f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

(g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and
regulations not inconsistent with this charter, ordinances of the city, or applicable state law as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter.

(b) The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate the contents of the section, and:

(1) Shall not be deemed or taken to be titles of such sections or as any part of the section;

(2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the chapter, article, and section headings contained in this Act shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section hereof.

(c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business and those in attendance of its meetings, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.
SECTION 2.16.
Submission of ordinances to the city clerk.

(a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.

(b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.
Powers and duties of the mayor.

(a) The mayor shall:
(1) Preside over all meetings of the city council;
(2) Set the agenda for meetings of the city council after receiving input from members of the city council, the city manager, and the public; provided, however, that an additional item shall be added to the agenda upon the written request of any two members of the city council;
(3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
(4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
(5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
(6) Vote in all matters before the city council as provided in subsection (a) of Section 2.10 of this charter;
(7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
(8) Provide supervision and guidance to the city manager;
(9) Establish oversight and policy committees of the city council and appoint no less than two council members, exclusive of the mayor, to serve thereon, subject to the direction and supervision of the mayor;
(10) Serve and be compensated accordingly; and
(11) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.

(b) The mayor shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with approval of the city council.

c) The mayor shall have the authority to certify that a supplemental appropriation is possible if revenue increases in excess of the amount budgeted, but only with approval of the city council.

d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section of this charter.

e) The mayor may designate the official legal organ of the city subject to confirmation by the city council.

SECTION 3.02.

City manager; appointment and qualification.

The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be the "city manager." The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management. The city manager need not be a resident of the City of Stonecrest.

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the city. The city manager shall devote all of his or her working time and attention to the affairs of the city and shall be supervised and guided by the mayor and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which such officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

(1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this charter are
appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;

(3) Remove employees appointed and employed under paragraph (2) of this section, without the consent of the city council and without assigning any reason therefor;

(4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council except as otherwise provided in this charter;

(5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless of the decision of the meeting chairperson, the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;

(6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;

(7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council;

(9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

(10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, no less than 60 days prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

(11) Keep the city council at all times fully advised as to the financial condition and needs of the city;
(12) Make a full written report to the city council on the fifteenth of each month showing
the operations and expenditures of each department of the city government for the
preceding month, and a synopsis of such reports shall be published by the city clerk;
(13) Fix all salaries and compensation of city employees in accordance with the city
budget and the city pay and classification plan; and
(14) Perform such other duties as may be prescribed by this charter or required by
ordinance or resolution of the city council.

SECTION 3.05.

City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter or
as provided in Sections 3.01 and 3.03 of this charter, neither the city council nor its members
shall interfere with the performance of services by or give orders to any such officer or
employee, either publicly or privately.

SECTION 3.06.

City manager; removal.

(a) The mayor or the city council may remove the city manager from office in accordance
with the following procedures:

(1) The mayor by proclamation or the city council by resolution by affirmative vote of
a majority of all its members may remove the city manager from office after a suspension
of the city manager from duty for a period not to exceed 45 days. A copy either such
proclamation of the mayor or the resolution of the city council shall be delivered
promptly to the city manager;

(2) Within five days after a copy of such proclamation or resolution is delivered to the
city manager, he or she may file with the city council a written request for a public
hearing and a reconsideration of the removal. This hearing shall be held at a city council
meeting especially set for such purpose not earlier than 15 days nor later than 30 days
after the request is filed. The city manager may file with the city council a written reply
to the removal not later than five days before the hearing; and

(3) If the city manager either (i) does not request a public hearing and a reconsideration
of the removal five days from the date when a copy of such proclamation or resolution
was delivered to the city manager; or, (ii) if after the conclusion of the public hearing
requested by the city manager for reconsideration of the removal, the city council does
not pass a resolution either reversing the action of the mayor or rescinding its resolution
of removal, the city manager's removal shall be effective as of such date without further
action by the city council.

(b) Unless either the mayor's action removing the city manager or the resolution of removal
of the city manager is rescinded by majority of the members of the city council at the public
hearing held at the request of city manager pursuant to this section, the city manager shall
continue to receive his or her salary until the effective date of his or her removal.

(c) If the city manager is suspended in accordance with subsection (a) of this section or
becomes disabled and is unable to carry out the duties of the office or if the city manager
dies, the acting city manager shall perform the duties of the city manager until the city
manager's disability is removed or until the city manager is replaced. Removal of the city
manager because of disability shall be carried out in accordance with the provisions of
subsection (a) of this section.

SECTION 3.07.

Acting city manager.

(a) The mayor with the approval of the city council may appoint any person to exercise all
powers, duties, and functions of the city manager during the city manager's suspension under
subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the
city manager's disability.

(b) In the event of a vacancy in the office of city manager, the mayor may designate with the
approval of the city council a person as acting city manager, who shall exercise all powers,
duties, and functions of the city manager until a city manager is appointed.

SECTION 3.08.

City attorney.

The mayor shall appoint the city attorney together with such assistant city attorneys or
special city attorneys as may be deemed appropriate subject to confirmation by the city
council and shall provide for the payment of such attorneys for services rendered to the city.
The rates or salary paid to any city attorney or assistant city attorney shall be approved in
advance by the city council. The city attorney shall be responsible for representing and
defending the city in all litigation in which the city is a party; may be the prosecuting officer
in the municipal court; shall attend the meetings of the city council as directed; shall advise
the city council, mayor, other officers, and employees of the city concerning legal aspects
of the city's affairs; and shall perform such other duties as may be required by virtue of his
or her position as city attorney. The city attorney shall review all contracts of the city but
shall not have the power to bind the city unless authorized by resolution of the city council.

SECTION 3.09.
City clerk.

The mayor shall appoint a city clerk subject to confirmation by the city council to keep a
journal of the proceedings of the city council, to maintain in a safe place all records and
documents pertaining to the affairs of the city, and to perform such duties as may be required
by law or ordinance or as the mayor or city manager may direct.

SECTION 3.10.
Tax collector.

The mayor may appoint a tax collector subject to confirmation by the city council to collect
all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of
this charter and the ordinances of the city; and the tax collector shall diligently comply with
and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes
by municipalities.

SECTION 3.11.
City accountant.

The mayor may appoint a city accountant subject to confirmation by the city council to
perform the duties of an accountant.

SECTION 3.12.
City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and
expenditures of city funds and to report the results of such audits in writing to the city
council at times and intervals set by the city council, but no less than quarterly. Such audit
reports shall, at a minimum, identify all city expenditures and other financial matters that the
internal auditor either determines are not in compliance with or cannot conclusively be
determined to be in compliance with:

(1) The provisions of this charter;

(2) The applicable city budget; and

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Applicable ordinances, resolutions, or other actions duly adopted or approved under the provisions of this charter.

SECTION 3.13.
Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

SECTION 3.14.
Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the City of Stonecrest and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV
MUNICIPAL COURT
SECTION 4.01.
Creation.

There is established a court to be known as the Municipal Court of the City of Stonecrest which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before such court to go or move beyond the reach
of the process of the court; to try all offenses within the territorial limits of the city
constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
of municipal courts to the extent of, and in accordance with, the provisions of such laws and
all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
judge of such court. In the absence or disqualification of the judge, the judge pro tempore
shall preside and shall exercise the same powers and duties as the judge when so acting.

SECTION 4.02.

Judges.

(a) No person shall be qualified or eligible to serve as judge unless he or she shall have
attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
minimum of three years. The judges shall be nominated by the mayor subject to approval
by the city council. The compensation and number of the judges shall be fixed by the city
council.

(b) The judge pro tempore shall serve as requested by the judge, shall have the same
qualifications as the judge, shall be nominated by the mayor subject to approval of the city
council, and shall take the same oath as the judge.

(c) Before entering on the duties of his or her office, the judge and judge pro tempore shall
take an oath before an officer duly authorized to administer oaths in this state declaring that
he or she will truly, honestly, and faithfully discharge the duties of his or her office to the
best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the
minutes of the city council.

(d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed
from the position by a two-thirds’ vote of the entire membership of the city council or shall
be removed upon action taken by the state Judicial Qualifications Commission for:

(1) Willful misconduct in office;
(2) Willful and persistent failure to perform duties;
(3) Habitual intemperance;
(4) Conduct prejudicial to the administration of justice which brings the judicial office
into disrepute; or
(5) Disability seriously interfering with the performance of duties, which is or is likely
to become of a permanent character.
SECTION 4.03.
Convening.

The municipal court shall be convened at such times as designated by ordinance or at such
times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.
Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against the City of Stonecrest and
for violation of its ordinances. The municipal court may fix punishment for offenses within
its jurisdiction to the fullest extent allowed by state law.

(b) The municipal court shall have authority to recommend to the city council for approval
a schedule of fees to defray the cost of operation.

(c) The municipal court shall have authority to establish bail and recognizances to ensure
the presence of those charged with violations before such court and shall have discretionary
authority to accept cash or personal or real property as security for appearances of persons
charged with violations. Whenever any person shall give bail for his or her appearance and
shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
at such time and an execution issued thereon by serving the defendant and his or her sureties
with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so
deposited shall have a lien against it for the value forfeited.

(d) The municipal court shall have the authority to bind prisoners over to the appropriate
court when it appears, by probable cause, that a state law has been violated.

(e) The municipal court shall have the authority to administer oaths and to perform all other
acts necessary or proper to the conduct of said court.

(f) The municipal court may compel the presence of all parties necessary to a proper disposal
of each case by the issuance of summons, subpoena, and warrants which may be served as
executed by any officer as authorized by this charter or by state law.

(g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
powers throughout the entire area of the City of Stonecrest granted by state laws generally
to municipal courts, and particularly by such laws as authorize the abatement of nuisances.
SECTION 4.05.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the city council by ordinance.

SECTION 4.06.

Rules for court.

With the approval of the city council, the judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

ARTICLE V

FINANCE AND FISCAL

SECTION 5.01.

Fiscal year.

The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

SECTION 5.02.

Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.
SECTION 5.03.
Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but no later than the first day of the tenth month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

(b) Beginning in the third year of the city's operation, the city manager and mayor are required to present to the city council a budget which is balanced in projected spending and revenues.

(c) Prior to passage of the budget, the city council shall hold a special public hearing at which the budget will be presented and public comment on the budget will be solicited. The date, time, and place of the special public hearing shall be announced no less than 30 days prior to the scheduled date for such hearing.

(d) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made. When a supplemental appropriation is certified by the city manager to exist, these appropriations may be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

SECTION 5.04.
Action by city council on budget.

(a) The city council may amend the operating budget or capital budget proposed by the city manager in accordance with subsection (a) of Section 5.03 of this charter, except that the budget, as finally amended and adopted, shall provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(b) The city council shall adopt a budget on or before the first day of the eleventh month of the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed
SECTION 5.05.
Procurement and property management.

No contract with the city shall be binding on the city unless it is in writing. The city council may adopt procedures for the authorization of certain contracts without city attorney review or city council approval. Absent the foregoing, no contract with the city shall be binding on the city unless:

(1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

SECTION 5.06.
Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 5.07.
Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

(b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

SECTION 5.08.
Homestead exemption; freeze.

(a) As used in this section, the term:
(1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.

(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
school district ad valorem taxes for educational purposes. The homestead exemption granted
by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply only to taxable years
2017 through 2019. Unless renewed or extended by subsequent Act of the General
Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable
year 2020 or any subsequent taxable year.

SECTION 5.09.

Homestead exemption; senior citizens; disabled.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
the O.C.G.A., as amended.

(3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
not include income received as retirement, survivor, or disability benefits under the
federal Social Security Act or under any other public or private retirement, disability, or
pension system, except such income which is in excess of the maximum amount
authorized to be paid to an individual and such individual's spouse under the federal
Social Security Act. Income from such sources in excess of such maximum amount shall
be included as income for the purposes of this Act.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
of the year in which application for the exemption under subsection (b) of this section is
made.

(b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted
an exemption on that person's homestead from City of Stonecrest ad valorem taxes for
municipal purposes in the amount of $14,000.00 of the assessed value of that homestead.
The exemption granted by this subsection shall only be granted if that person's income,
together with the income of the spouse who also occupies and resides at such homestead,
does not exceed $15,000.00 for the immediately preceding year. The value of that property
in excess of such exempted amount shall remain subject to taxation.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
due to being disabled, the person claiming such exemption shall be required to obtain a
certificate from not more than three physicians licensed to practice medicine under
Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of
such physician or physicians, such person is mentally or physically incapacitated to the
extent that such person is unable to be gainfully employed and that such incapacity is
likely to be permanent. Such certificate or certificates shall constitute part of and be
submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this
section unless the person or person's agent files an application with the governing
authority of the City of Stonecrest, or the designee thereof, giving the person's age,
income, and such additional information relative to receiving such exemption as will
enable the governing authority of the City of Stonecrest, or the designee thereof, to make
a determination regarding the initial and continuing eligibility of such owner for such
exemption. The governing authority of the City of Stonecrest, or the designee thereof,
shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
so long as the owner occupies the residence as a homestead. After a person has filed the
proper application, as provided in subsection (c) of this section, it shall not be necessary to
make application thereafter for any year and the exemption shall continue to be allowed to
such person. It shall be the duty of any person granted the homestead exemption under
subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
the designee thereof, in the event that person for any reason becomes ineligible for that
exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state
ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
school district ad valorem taxes for educational purposes. The homestead exemption granted
by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years
beginning on or after January 1, 2017.
SECTION 5.10.

Homestead exemption; general.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.
SECTION 5.11.
Homestead exemption; surviving spouses.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
the O.C.G.A., as amended.

(3) "Unremarried surviving spouse" of a member of the armed forces means the
unmarried widow or widower of a member of the armed forces who is receiving spousal
benefits from the United States Department of Veterans Affairs.

(b) Any person who is a resident of the City of Stonecrest and who is an unremarried
surviving spouse of a member of the armed forces of the United States, which member has
been killed in or has died as a result of any war or armed conflict in which the armed forces
of the United States engaged, whether under United States command or otherwise, shall be
granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal
purposes in the amount of the greater of $32,500.00 or the maximum amount which may be
granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as
amended. As of January 1, 2013, the maximum amount which may be granted to a disabled
veteran under Section 2102 of Title 38 of the United States Code, as amended, is $50,000.00.
The exemption shall be on the homestead which the unremarried surviving spouse owns and
actually occupies as a residence and homestead. In the event such surviving spouse
remarries, such person shall cease to be qualified to continue the exemption under this Act
effective December 31 of the taxable year in which such person remarries. The value of all
property in excess of such exemption granted to such unremarried surviving spouse shall
remain subject to taxation.

(c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
spouse shall furnish to the governing authority of the City of Stonecrest, or the designee
thereof, documents from the Secretary of Defense evidencing that such unremarried
surviving spouse receives spousal benefits as a result of the death of such person's spouse
who as a member of the armed forces of the United States was killed or died as a result of
a war or armed conflict while on active duty or while performing authorized travel to or from
active duty during such war or armed conflict in which the armed forces of the United States
engaged, whether under United States command or otherwise, pursuant to the Survivor
Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or
pursuant to any preceding or subsequent federal law which provides survivor benefits for
spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.

(d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Stonecrest, or the designee thereof, information relative to marital status and other such information which the governing authority of the City of Stonecrest, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Stonecrest or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Stonecrest or the designee thereof may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for such exemption.

e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.

(f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2017.

SECTION 5.12.

Homestead exemption; one mill equivalent.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the
taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest or the designee thereof giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest or the designee thereof to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest or the designee thereof shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.01.

DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax millage rate and amount for service charges or fees for and DeKalb County special services tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act. No. 168; House Resolution
To control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of Stonecrest will be established through intergovernmental agreements or established as otherwise authorized by statute.

SECTION 6.02. Referendum and initial election.

(a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Stonecrest for approval or rejection. The superintendent shall set May 24, 2016, as the date of such election. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of Stonecrest in DeKalb County according to the charter contained in the Act and the homestead exemptions described in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Stonecrest to be held in conjunction with and on the date of the 2016 November general election, the qualified electors of the City of Stonecrest shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Stonecrest as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Stonecrest shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
(c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Stonecrest to be held on the date of the 2016 November general election, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Stonecrest and the powers and duties of the governing authority of the City of Stonecrest.

SECTION 6.03.

Effective dates and transition.

(a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers, and by action of any four members of the governing authority may meet and take actions binding on the city.

(b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on January 1, 2017.

(c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2016 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of the City of Stonecrest, responsibility for any such service or function shall be transferred to the City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Stonecrest is considered removed from the special services tax district.

(d) During the transition period, the governing authority of the City of Stonecrest may generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

(e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.
(f) During the transition period, the governing authority of the City of Stonecrest may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Stonecrest commencing to exercise its planning and zoning powers, the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Stonecrest shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 6.04.
Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable but not later than 45 days after there is no further cause for delay. If the referendum election provided for in Section 6.02 of this Act is conducted after May 24, 2016, but before November 8, 2016, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after November 3, 2016, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 November general election, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.
SECTION 6.05. Charter commission.

No later than five years after the inception of the City of Stonecrest, the mayor and the city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. All members of the charter commission shall reside in the City of Stonecrest. The commission shall complete the recommendations within the time frame required by the city council.

SECTION 6.06. Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 6.07. Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.08. Repealer.

All laws and parts of laws in conflict with this Act are repealed.
APPENDIX A
LEGAL DESCRIPTION
CORPORATE LIMITS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: stonecrest-2015
Plan Type: Local
Administrator: S043
User: Gina

District STONECREST
DeKalb County
VTD: 089BJ - BROWN'S MILL ELEMENTARY
023416:
2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
VTD: 089CF - MURPEHY CANDLER
VTD: 089FA - FAIRINGTON ELEM
VTD: 089FG - FLAT ROCK ELEM
VTD: 089LD - LITHONIA (LIT)
023303:
4020 4021 4022
VTD: 089LH - LITHONIA HIGH SCHOOL
023309:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3033 3034 3035 3036
VTD: 089MC - MARBUT ELEM
023309:
2005 2006 4007
VTD: 089MF - MCWILLIAMS
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
023214:
2023 2024
023416:
1000 1001 1014 1015
1886  VTD: 089MV - MILLER GROVE ROAD
1887  VTD: 089MZ - MILLER GROVE HIGH
1888  VTD: 089PC - PRINCETON ELEM
1889  023306:
1890  3005 3006 3007 3013 3014
1891  VTD: 089PI - PANOLA WAY ELEM
1892  023212:
1893  2002
1894  VTD: 089PR - PANOLA ROAD
1895  VTD: 089RH - REDAN-TROTTI
1896  023306:
1897  3008 3012 3016
1898  023313:
1899  1003 1004 1005 1006 1007 1008 1009 1010
1900  VTD: 089RL - ROCK CHAPEL ROAD
1901  023303:
1902  1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
1903  1032 4012
1904  023306:
1905  3015 3020
1906  023315:
1907  1010 1011 1020
1908  VTD: 089SL - STONEVIEW ELEM
1909  023303:
1910  3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
1911  4031 4032 4034 4035 4036
1912  023310:
1913  3000 3001 3002 3003 3004 3005 3006 3007 3008
1914  023418:
1915  1000 1001 1002 1023
1916  023428:
1917  2000 2001
1918  VTD: 089SM - SALEM MIDDLE
1919  VTD: 089SS - SNAPFINGER ROAD
1920  023414:
1921  1027
As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B
COUNCIL DISTRICTS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: stonecrest-dist-2015
Plan Type: Local
Administrator: S043
User: Gina

District 001
DeKalb County
VTD: 089LD - LITHONIA (LIT)
023303:
4020 4021 4022
VTD: 089PC - PRINCETON ELEM
023306:
3005 3006 3007 3013 3014
VTD: 089RH - REDAN-TROTTI
023306:
3008 3012 3016
023313:
1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089RL - ROCK CHAPEL ROAD
023303:
1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
1032 4012
1956 023306:  
1957 3015 3020  
1958 023315:  
1959 1010 1011 1020  
1960 VTD: 089SL - STONEVIEW ELEM  
1961 023303:  
1962 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030  
1963 4031 4032 4034 4035 4036  
1964 023310:  
1965 3000 3001 3003 3004 3005 3008  
1966 023418:  
1967 1000 1001 1002 1023  
1968 VTD: 089WD - WOODROW ROAD  
1969 023418:  
1970 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014  
1971 1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026 1027  
1972 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038 1039 1048  
1973 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060  
1974 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072  
1975 1073 1074 1075 1076 1077 1078 1079  

1976 District 002  
1977 DeKalb County  
1978 VTD: 089LH - LITHONIA HIGH SCHOOL  
1979 023309:  
1980 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011  
1981 3012 3013 3014 3033 3034 3035 3036  
1982 VTD: 089MC - MARBUT ELEM  
1983 023309:  
1984 2005 2006 4007  
1985 VTD: 089MF - MCWILLIAMS  
1986 023416:  
1987 1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002  
1988 4003 4007 4008  
1989 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL  
1990 023214:  

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- 59 -
1992  2023  2024
1993  023416:
1994  1000  1001  1014  1015
1995  VTD: 089MZ - MILLER GROVE HIGH
1996  023310:
1998  4001  4002  4003  4004  4005  4006  4007  4008  4009  4010  4011  4012
1999  4013
2000  VTD: 089PI - PANOLA WAY ELEM
2001  023212:
2002  2002
2003  VTD: 089PR - PANOLA ROAD
2004  023310:
2005  1000  1001  1002  1003  1004  1005  1006  1007  1008  1009  1010  1011
2006  1012  1013  1014  1015  1016  1017
2007  VTD: 089SL - STONEVIEW ELEM
2008  023310:
2009  3007
2010  VTD: 089SS - SNAPFINGER ROAD
2011  023416:
2012  4004  4005  4006

2013  District 003
2014  DeKalb County
2015  VTD: 089FA - FAIRINGTON ELEM
2016  VTD: 089MF - MCWILLIAMS
2017  023416:
2018  1002  1003  1005  1006  1007  2000  2001  2002
2019  VTD: 089MV - MILLER GROVE ROAD
2020  023427:
2021  2001  2002  2003  2004  2005
2022  VTD: 089PR - PANOLA ROAD
2023  023428:
2024  1000  3000  4000
2025  VTD: 089WD - WOODROW ROAD
2026  023428:
2027  1001  1002  1003  1004  1005  1006  1007  1008  2016  2017

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As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for
the United States decennial census of 2010 for the State of Georgia. The separate numeric
designations in a district description which are underneath a VTD heading shall mean and
describe individual blocks within a VTD as provided in the report of the Bureau of the
Census for the United States decennial census of 2010 for the State of Georgia. Any part of
the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be
included within that district contiguous to such part which contains the least population
according to the United States decennial census of 2010 for the State of Georgia. Any part
of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall
nevertheless not be included within such district if such part is not contiguous to such district.
Such noncontiguous part shall instead be included within the part that is contiguous to such
part which contains the least population according to the United States decennial census of
2010 for the State of Georgia. Except as otherwise provided in the description of any district,
whenever the description of such district refers to a named city, it shall mean the
geographical boundaries of that city as shown on the census map for the United States
decennial census of 2010 for the State of Georgia.

APPENDIX C
CERTIFICATE AS TO MINIMUM STANDARDS
FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Ronald B. Ramsey, Sr., Senator from the 43rd District, and the author of this bill
introduced at the 2015 session of the General Assembly of Georgia, which grants an original
municipal charter to the City of Stonecrest, do hereby certify that this bill is in compliance
with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the
area embraced within the original incorporation in this bill is in all respects in compliance
with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This
certificate is executed to conform to the requirements of Code Section 36-31-5 of the
O.C.G.A.

So certified this __________ day of ______________, 2015.

_________________________________
Honorable Ronald B. Ramsey, Sr.
Senator, District 43
Georgia State Senate